

APPENDIX

Reports of Committees on Engrossed and Enrolled Bills

Austin, Texas,
June 5, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 28 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

Austin, Texas,
June 5, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 400 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

Austin, Texas,
June 6, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 238 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

Austin, Texas,
June 6, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 447 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

EIGHTY-SECOND DAY

(Wednesday, June 7, 1939)

The Senate met at 10:00 o'clock, pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin
Beck
Brownlee
Burns
Collie
Cotten
Graves
Hardin
Head
Hill
Isbell
Kelley
Lanning
Lemens
Martin
Metcalf

Moffett
Moore
Pace
Redditt
Roberts
Shivers
Spears
Stone
of Galveston
Stone
of Washington
Sulak
Van Zandt
Weinert
Winfield

Absent—Excused

Nelson

Small

A quorum was announced present.

The invocation was offered by the Chaplain.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leave of Absence Granted

Senator Nelson was granted leave of absence for today on account of important business, on motion of Senator Stone of Galveston.

Senator Small was granted leave of absence for today on account of important business, on motion of Senator Kelley.

Petitions and Memorials

Senator Hill submitted a letter from J. R. Latham of Byrds, Texas, in the nature of memorial opposing the adoption of S. J. R. No. 12.

The letter was read.

Senator Moore submitted a letter in the nature of a memorial in opposition to the fair trade bill and containing an excerpt from a letter written by President Roosevelt.

The letter was read to the Senate.

Senator Moore asked unanimous consent of the Senate that the letter be printed in the Journal.

The President announced there was objection to the request.

Senator Burns moved to suspend the rule relative to making of motions during the morning call, to permit his moving that the letter be printed in the Journal.

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

Yeas—15

Aikin	Pace
Burns	Roberts
Collie	Shivers
Cotten	Stone
Hardin	of Washington
Head	Van Zandt
Isbell	Weinert
Moore	Winfield

Nays—13

Beck	Martin
Brownlee	Metcalf
Graves	Moffett
Hill	Spears
Kelley	Stone
Lanning	of Galveston
Lemens	Sulak

Absent

Redditt

Absent—Excused

Nelson Small

Senator Cotten was recognized to present a petition and to make a brief verbal statement of its contents.

Senator Cotten proceeded to the making of the statement of the contents of the memorial.

Concert by Mexia High School Band

Pending the statement by Senator Cotten, the President announced, at 11:30 o'clock a. m., that the hour had arrived for the concert by the Mexia High School Band, in pursuance of a Senate resolution adopted on yesterday.

The director and members of the band were admitted to the Senate Chamber and were escorted to the bar of the Senate by Senator Hardin.

Senator Hardin presented Mr. Dean Shank, director of the band.

Mr. Shank then directed the band's rendition of a concert.

(Senator Lemens in the chair temporarily.)

(President in the Chair.)

Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas, June 7, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the Free Conference Committee Report on S. B. No. 200 by a vote of 101 ayes and 27 noes.

The House has concurred in Senate amendments to H. B. No. 984 by a vote of 120 ayes, 0 noes.

The House has passed the following resolution:

H. C. R. No. 186, Directing the enforcement of all laws pertaining to the registration of motor vehicles and the operation of motor vehicles on the highways of this State.

Respectfully submitted,

E. R. LINDLEY,
Chief Clerk, House of Representatives.

Recess

Senator Pace moved that the Senate recess to 2:00 o'clock p. m. today.

Yeas and nays were demanded, and the motion prevailed by the following vote:

Yeas—12

Beck	Redditt
Burns	Roberts
Cotten	Shivers
Isbell	Stone
Lemens	of Washington
Moore	Van Zandt
Pace	Weinert

Nays—11

Aikin	Metcalf
Brownlee	Moffett
Graves	Spears
Head	Sulak
Hill	Winfield
Lanning	

Absent

Collie	Martin
Hardin	Stone
Kelley	of Galveston

Absent—Excused

Nelson Small

The Senate, accordingly, at 12:00 o'clock m., took recess to 2:00 o'clock p. m. today.

Afternoon Session

The Senate met at 2:00 o'clock p. m. and was called to order by the President.

Senator Cotten resumed the making of a verbal statement of the contents of a petition to be presented by him.

Senator Weinert moved that the Senate recess to 7:30 o'clock p. m. today.

Yeas and nays were demanded, and the motion was lost by the following vote:

Yeas—7

Cotten	Stone
Moore	of Washington
Pace	Van Zandt
Redditt	Weinert

Nays—15

Aikin	Lanning
Brownlee	Lemens
Collie	Martin
Graves	Metcalf
Head	Spears
Hill	Stone
Isbell	of Galveston
Kelley	Sulak

Absent

Beck	Roberts
Burns	Shivers
Hardin	Winfield
Moffett	

Absent—Excused

Nelson	Small
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Senator Cotten concluded his statement and submitted a petition to the Senate relative to the order of business and moved that the Senate rules prohibiting the making of certain motions and the consideration of resolutions during the morning call be suspended and that the petition be adopted as a resolution of the Senate.

The President held the motion out of order.

Senator Cotten withdrew the petition.

Motion to Set House Bill 50 for Special Order

Senator Kelley moved to suspend Senate rule 11b to permit his moving that H. B. No. 50 be set for a special order.

The motion prevailed by the following vote:

Yeas—17

Brownlee	Pace
Collie	Redditt
Cotten	Stone
Graves	of Galveston
Head	Stone
Kelley	of Washington
Lemens	Van Zandt
Metcalf	Weinert
Moffett	Winfield
Moore	

Nays—6

Aikin	Isbell
Burns	Lanning
Hill	Sulak

Present—Not Voting

Beck	Spears
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Absent

Hardin	Roberts
Martin	Shivers

Absent—Excused

Nelson	Small
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Senator Kelley moved that the bill be set as a special order for consideration immediately following disposition of H. B. No. 912, heretofore set for a special order.

Senator Spears moved the previous question on motion to set the bill as a special order, and the motion for the previous question was duly seconded.

The Senate refused to order the main question at this time by the following vote:

Yeas—11

Brownlee	Lemens
Collie	Metcalf
Graves	Moffett
Head	Spears
Hill	Stone
Lanning	of Galveston

Nays—13

Aikin	Redditt
Beck	Stone
Burns	of Washington
Cotten	Sulak
Isbell	Van Zandt
Moore	Weinert
Pace	Winfield

Present—Not Voting

Kelley

Absent

Hardin
MartinRoberts
Shivers

Absent—Excused

Nelson Small

Senator Stone of Washington moved that the Senate recess to 7:30 o'clock p. m. today.

Yeas and nays were demanded, and the motion was lost by the following vote:

Yeas—9

Aikin
Burns
Cotten
Moore
PaceRedditt
Stone
of Washington
Van Zandt
Weinert

Nays—18

Beck
Brownlee
Collie
Graves
Hardin
Head
Hill
Isbell
Kelley
LanningLemens
Martin
Metcalf
Moffett
Spears
Stone
of Galveston
Sulak
Winfield

Absent

Roberts Shivers

Absent—Excused

Nelson Small

Senator Kelley then withdrew the motion to set H. B. No. 50 as a special order.

Motion to Take Up House Bill 231

Senator Stone of Galveston moved that Senate rule 11b be suspended to permit his moving to suspend the regular order of business to take up H. B. No. 231 for consideration at this time.

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

Yeas—18

Aikin Brownlee
Beck CollieGraves
Hardin
Hill
Isbell
Kelley
Lanning
Lemens
MartinMetcalf
Moffett
Spears
Stone
of Galveston
Sulak
Winfield

Nays—10

Burns
Cotten
Head
Moore
Pace
ReddittRoberts
Stone
of Washington
Van Zandt
Weinert

Absent

Shivers

Absent—Excused

Nelson Small

Reports of Standing Committees

Senator Aikin submitted at this time the following reports of the Committee on Education:

Austin, Texas,
June 7, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

H. B. No. 1101, A bill to be entitled "An Act to provide for rural school supervisor in San Augustine County; providing mode and manner of paying such salary; providing for appointment of rural school supervisor in said County by the County Superintendent of the County; providing qualifications and tenure of office; prescribing certain duties; repealing all laws and parts of laws in conflict herewith; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

AIKIN, Chairman.

Austin, Texas,
June 6, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

H. B. No. 1118, by Goodman, A bill to be entitled "An Act to authorize, enable, and permit the territory situ-

ated within the bounds of the Andrews Independent School District, in the County of Andrew and State of Texas, and other lands and territory adjacent thereto in Andrews County, to incorporate as an independent district for free school purposes only, to be hereafter known as the Andrews Independent School District, with all the powers, rights, privileges, and duties of independent school districts formed by incorporation of territory for free school purposes only; and to provide for an election on the question of divesting the old Andrews Independent School District of control of its public schools and title to school properties, and vesting the same in the new Andrews Independent School District and its board of trustees; providing for a board of school trustees for the control and management of said independent school district; providing that all funds held for public school purposes and to be used in the territory included in the new district shall be turned over to the trustees of the new district as herein provided may be created; providing that any outstanding bonds or indebtedness of the old district may, upon an election being held in the new district, be paid by a tax duly levied in the new district; providing other incidental provisions; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

AIKIN, Chairman.

Senator Weinert submitted at this time the following report of the Committee on State Affairs:

Austin, Texas,
June 6, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 1092, by Hardeman, et al., A bill to be entitled "An Act to amend Section 1 of House Bill No. 413, passed by the Forty-sixth Legislature, Regular Session, providing that all ordinances hereinafter enacted by Home Rule Cities of the State of Texas, organized and operating under the Home Rule Amendment to the Constitution of the State of Texas, and the provisions of Title 28,

Chapter 13, of the Revised Civil Statutes of Texas, 1925, shall be published as provided in the charters of such cities; and establishing rule for publication of ordinances prescribing penalties where charter does not provide for such publication; providing this Act shall be cumulative of other laws; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

Bills and Resolutions Signed

The President signed, in the presence of the Senate, after their captions had been read, the following enrolled bills and resolutions:

S. B. No. 447, "An Act to declare a State policy regarding the encouragement and stimulation of new uses for cotton; directing that the various State agencies shall take due notice of such policy; directing particular State agencies to do the same; providing that certain agencies of the State Government shall be revamped and reorganized; directing the Governor to carry out the policy established by this Act; creating the Cotton Research Award Fund; making an appropriation therefor; providing for a Board of Trustees for said fund; providing the duties and powers of said Board of Trustees; setting forth certain conditions concerning expenditures from said fund; providing for the Comptroller to pay warrants drawn against said funds; and declaring an emergency."

S. B. No. 238, "An Act to amend Sections 2, 5, 7, 8, 13, 15, 23 and 25 of Article 2997a of the Revised Civil Statutes of Texas, 1925, as amended by the Acts of the Forty-fifth Legislature Second Called Session 1937 by providing that a voting machine approved by the Secretary of State must be constructed with certain requirements, with facilities for voting for candidates legally placed on a ballot, for permitting a voter in a general election to vote for any person for any office, for permitting voting in absolute secrecy and provide for the numbering of votes as they are cast and for that purpose have a public numbering counter, must also

have a protective numbering counter; providing that such voting machines must also prevent voting for a candidate or on a proposition for whom or on which he is not lawfully entitled to vote and prevent voting for more than one person for the same office and for the same person twice, and must be provided with certain locks or a lock; providing that the county commissioners' court of a county which has adopted voting machines shall provide voting machines for each voting precinct designated; providing that the county commissioners' court of any county which has adopted voting machines for that county or any portion thereof may divide their respective precincts into convenient election precincts containing any number of qualified voters; providing for the publication of such order; providing for the delivery to the Tax Assessor and Collector a certified copy of such last order; providing that the commissioners' court shall divide any city or town into as many election precincts as they may see proper; etc., and declaring an emergency."

H. B. No. 600, "An Act to amend Subsection 5 of Article 199, Revised Civil Statutes as amended by Chapter 143, Acts, 1937, Forty-fifth Legislature."

H. B. No. 1018, "An Act regulating the use of boats upon the waters of Caddo Lake; prescribing who shall enforce the law; prescribing the penalty for violation of said law, and declaring an emergency."

H. B. No. 1037, "An Act amending Section 2, of Article 3883, Revised Civil Statutes of Texas, 1925, as amended by Chapter 20, Acts of the Forty-first Legislature, Fourth Called Session, as amended by Chapter 340, Acts of the Forty-second Legislature, Regular Session, as amended by Chapter 220, Acts of the Forty-third Legislature, Regular Session, as amended by Chapter 284, Acts of the Forty-fifth Legislature, Regular Session, as amended by Chapter 391, Acts of the Forty-fifth Legislature, Regular Session, by providing that in counties with a taxable valuation of not less than Fifty-one Million, One Hundred Thousand (\$51,000,000) Dollars, nor more than Fifty-one Million, Four Hundred Thousand (\$51,400,000) Dollars, tax-

able valuation for county purposes according to the valuation as shown on the County Tax Assessor-Collector's rolls for the current year of 1938, the Justices of the Peace and Constables shall be allowed to retain out of the fees collected by such officers the sum of Thirty-six Hundred (\$3,600.00) Dollars per annum, and declaring an emergency."

H. B. No. 927, "An Act authorizing the Commissioners' Court to levy a tax not to exceed ten cents (10c) on the One Hundred Dollar (\$100.00) valuation upon personal and/or real property for the purpose of paying for the immunization of school children and indigent people from communicable diseases; authorizing the Commissioners' Court to pay as much as one-half or any portion thereof as they may deem reasonable for the treatment of indigent people other than paupers; providing a savings clause, and declaring an emergency."

H. B. No. 1117, "An Act requiring any person hunting any quail in Comanche County upon the private lands of another person in Comanche County, to first obtain and have in his possession a written permit; providing that the provisions shall not apply where such person is so hunting in company with the owner or agent of such lands; providing other necessary regulations pertaining to the obtaining of such permit; providing that the failure to have in possession such valid permit shall be prima facie evidence of guilt; providing a suitable penalty for violation of any provision of this Act; providing that it shall be the duty of any peace officer operating in any county affected by the provisions of this Act to enforce the provisions of this Act, and repealing all laws in conflict with any provision of this Act, insofar as they relate to Comanche County, and declaring an emergency."

H. B. No. 1121, "An Act creating a special road law for McMullen County, Texas, providing that said County may fund or refund the indebtedness outstanding against its Road and Bridge Fund as of May 15, 1939, setting forth the method of operation; validating the indebtedness proposed to be funded or refunded; providing this Law shall be cumulative of General Laws on the subject of roads and bridges and

General Laws on funding or refunding bonds, not in conflict herewith; enacting provisions incident and relating to the subject and purpose of this Act; repealing all laws in conflict; and declaring an emergency."

H. B. No. 1124, "An Act creating and establishing Red River County Road District No. 19 in Red River County, Texas, under Article III, Section 52, of the Constitution of the State of Texas, for the purpose of the construction, operation, and maintenance of macadamized, graveled or paved roads or turnpikes, or in aid thereof; etc., and declaring an emergency."

H. B. No. 1123, "An Act creating a more efficient road law for Red River County, Texas, validating certain time warrants heretofore issued, payable out of the Road and Bridge Fund; authorizing the Commissioners' Court of said County to issue serial coupon bonds of said County in the funding of said time warrants, and to levy all or any part of the Fifteen (15) Cents Special Road and Bridge Maintenance Tax of said County for payment of said bonds; providing that if any part of this Act shall be declared unconstitutional such holding shall not impair or validate any other parts of this Act; providing that this Act shall be cumulative of General Laws; but that in case of conflict this Act shall control; and declaring an emergency."

H. B. No. 1109, "An Act amending House Bill No. 384 of the Regular Session of the Forty-sixth Legislature relating to the taking of colored peccary or javelina or their hides, and declaring an emergency."

S. B. No. 28, "An Act amending Chapter 206 of the Acts of the Regular Session of the Forty-first Legislature of Texas; authorizing the Board of Directors of Texas Technological College to erect and equip and to contract for the erection, completion, and equipment of certain dormitories, cottages, and other buildings and improvements and to purchase or lease additional real estate therefor, to contract with municipalities and school districts for the joint construction of certain buildings, to issue certain revenue obligations to pay therefor and as security to pledge the net rents, fees, and net rents, fees, revenue and incomes of other certain properties

owned by said college, limiting the rate of interest to be borne by such obligations to a rate not to exceed six (6%) per cent per annum and the maturity date thereof for a period not exceeding twenty (20) years from date thereof, etc., and declaring an emergency."

H. B. No. 9, "An Act providing the method of making application to purchase or lease unsurveyed school land commonly known as vacancies; providing for notice to those whose rights may be affected and a public hearing; providing a limitation upon the time in which such application must be acted upon and in which suit may be filed to establish the same; validating long established lines and corners and providing for presumption of their correctness in trials involving location of boundaries and attempts to locate vacancies between surveys long considered to adjoin; placing the burden of proof upon the party asserting such vacancy; giving a preference right to purchase such vacancy to the person or persons claiming the same in good faith regardless of the proximity of such land to wells producing oil or gas at a price dependent on whether or not such vacancy is excess land and providing that such purchase shall be subject to certain mineral reservations as a free royalty to the State; fixing the time and conditions under which such preference right to purchase may be exercised; repealing all laws or parts of laws in conflict herewith; providing that if a part of this Act shall be held unconstitutional such holding shall not affect the remainder hereof, and declaring an emergency."

H. B. No. 1119, "An Act validating refunding bonds authorized by any Home Rule City whose charter allocates its permitted taxing power to specified purposes, and which refunding bonds were authorized to refund all of the outstanding bonds of such City, and have been approved by the Attorney General, notwithstanding the fact one or more issues of such refunding bonds or the bonds refunded thereby may have been authorized and issued for the purpose of refunding bonds originally payable from such separate tax allocations; validating the proceedings authorizing such refunding bonds and the taxes levied for their payment; providing that such taxes shall not be affected

by charter provisions requiring allocation of such taxes to specific purposes, and declaring an emergency."

S. B. No. 400, "An Act to amend Article 7057b, Section 2, Revised Civil Statutes, H. B. No. 11, Acts of the Regular Session, Forty-third Legislature, so as to clarify the kind of suits to be included in a class action as provided in Section 2 of said Article; to provide that suit may be filed in a Court of competent jurisdiction in Travis County, Texas, when the total taxes accrued comes in the jurisdiction of said Court; to provide that original petitions may be amended to include additional taxes paid under protest; providing that the provisions of this Act shall apply to taxes paid under protest and where suits are now pending testing the validity and correctness of such taxes, and declaring an emergency."

H. B. No. 984, "An Act conferring additional powers on school districts having a relatively large percentage of delinquent taxes including power to borrow money, etc., and declaring an emergency."

H. C. R. No. 152, Granting Floyd Farrell permission to bring suit against the Texas Prison Board and the State of Texas.

H. C. R. No. 160, Authorizing Ross Brothers and Cook Brothers to sue the State of Texas.

H. C. R. No. 146, Authorizing certain corrections in H. B. No. 9.

Motion to Introduce Bill

Senator Collie moved that the legislative rule relative to the introduction of bills after the first 60 days of the Regular Session of the Legislature be suspended to permit his introducing a bill at this time.

The motion was lost by the following vote (not receiving the necessary four-fifths vote of the Members of the Senate):

Yeas—22

Aikin	Hill
Beck	Isbell
Burns	Kelley
Collie	Lanning
Cotten	Lemens
Graves	Martin
Hardin	Metcalf

Moffett	Stone
Moore	of Galveston
Pace	Stone
Redditt	of Washington
Roberts	Van Zandt

Nays—1

Weinert

Present—Not Voting

Brownlee	Sulak
Spears	

Absent

Head	Winfield
Shivers	

Absent—Excused

Nelson	Small
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House Bill 688 on Third Reading

On motion of Senator Van Zandt and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 688 at this time.

The President then laid before the Senate on its third reading and final passage:

H. B. No. 688, A bill to be entitled "An Act to amend Sections 1 and 6 of Chapter 13, Acts of the Third Called Session of the Forty-second Legislature, and to amend Section 7 of Chapter 13, Acts of the Third Called Session of the Forty-second Legislature, as amended by Chapter 136, Acts of the Regular Session of the Forty-third Legislature, as amended by Chapter 117, Acts of the First Called Session of the Forty-third Legislature, as amended by Chapter 326, Acts of the Regular Session of the Forty-fourth Legislature, and as amended by Chapter 370, Acts of the Regular Session of the Forty-fifth Legislature, relative to the Board of County and District Road Indebtedness; and providing that if any portion hereof be unconstitutional or invalid for any reason, the remaining part shall, nevertheless, be in full force and effect; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

The bill was read third time.

Senator Van Zandt offered the following amendment to the bill:

(1)

Amend Sulak amendment as adopted by striking out the words "within or" as it appears therein.

The amendment was adopted by the necessary vote of the Senate.

Record of Vote

Senator Moore asked to be recorded as voting "nay" on the amendment.

Senator Van Zandt offered the following amendment to the bill:

Amend engrossed copy of H. B. No. 688 by eliminating on Page 17, all after the words "lateral roads" on line 2, all of line 3 and line 4 to and including the word "hereunder" and substituting in lieu thereof the following:

"In order to fully provide for the welfare of the public and to promote the establishment of a unified and correlated system of secondary or county lateral roads constructed to a standard which would make possible the inclusion of said roads into the system of State designated highways without undue and unusual expense to the State, such construction shall be under the advisory supervision of the State Highway Department, and all such work done shall be in accordance with rules and regulations promulgated by the State Highway Commission, such rules and regulations to be administered, for the convenience of the counties, by the district engineers of the State Highway Department for the respective State Highway Department districts. The State Highway Commission is hereby empowered to promulgate and publish to the counties adequate and proper rules governing the construction of county lateral roads where such State funds are employed."

VAN ZANDT,
METCALFE.

The amendment was adopted unanimously.

Senator Hill offered the following amendment to the bill:

Amend H. B. No. 688 by adding a new paragraph to subsection (g) of Section 3 to be known as five (5) and to read as follows:

"It shall be unlawful for any county judge of any county of this State or for the members of any County Commissioners' Court to authorize the issuance of scrip, time warrants, warrants or other evidences of indebtedness for any road purpose whatever in excess of Two Thousand (\$2,000.00) Dollars, or for emergency purposes as prescribed in House Bill No. 312, Acts of the Regular Session, Forty-second Legislature, as amended, without first submitting the question of such indebtedness to a vote of the people of such county or road district affected at an election called for that purpose as now provided by law. Any scrip, time warrants, warrants or other evidences of indebtedness so issued without a vote of the people as above provided shall be null and void and shall not constitute a valid debt against such county or road district."

The amendment was adopted unanimously.

Senator Lanning offered the following amendment to the bill:

Amend H. B. No. 688, page 21, by adding after the subsection "h" the following:

"Provided that the Board of County and District Road Indebtedness shall be the refunding agency for all eligible debts, and before any warrants or bonds shall be refunded, application shall be made to the "Board" and the "Board" shall refund such bonds or warrants without cost to the counties for such refunding."

The amendment was adopted by the following vote:

Yeas—15

Aikin	Lemens
Brownlee	Redditt
Collie	Spears
Cotten	Stone
Graves	of Washington
Hardin	Sulak
Isbell	Weinert
Lanning	Winfield

Nays—7

Burns	Pace
Head	Stone
Kelley	of Galveston
Moffett	Van Zandt

Absent

Beck	Moore
Hill	Roberts
Martin	Shivers
Metcalfe	

Absent—Excused

Nelson	Small
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On motion of Senator Brownlee, and by unanimous consent, it was ordered that the caption be amended to conform to the bill as amended.

The bill then was passed by the following vote:

Yeas—25

Aikin	Moffett
Beck	Moore
Brownlee	Pace
Burns	Redditt
Collie	Spears
Cotten	Stone
Graves	of Galveston
Hardin	Stone
Head	of Washington
Hill	Sulak
Isbell	Van Zandt
Kelley	Weinert
Lanning	Winfield
Lemens	

Absent

Martin	Roberts
Metcalfe	Shivers

Absent—Excused

Nelson	Small
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Recess

Senator Stone of Washington moved the Senate recess to 8:00 o'clock p. m. today.

Yeas and nays were demanded, and the motion prevailed by the following vote:

Yeas—12

Aikin	Redditt
Brownlee	Stone
Burns	of Washington
Cotten	Van Zandt
Isbell	Weinert
Moore	Winfield
Pace	

Nays—11

Collie	Head
Graves	Kelley
Hardin	Lanning

Lemens
Moffett
Spears

Stone
of Galveston
Sulak

Absent

Beck	Metcalfe
Hill	Roberts
Martin	Shivers

Absent—Excused

Nelson	Small
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The Senate, accordingly, at 4:00 o'clock p. m., took recess to 8:00 o'clock p. m. today.

Night Session

The Senate met at 8:00 o'clock p. m. to consider local and non-contested bills, pursuant to Senate Resolutions 47 and 50, and was called to order by President Pro Tempore Moore.

Leave of Absence Granted

Senator Metcalfe was granted leave of absence for the remainder of today, on account of important business, on motion of Senator Isbell.

House Bill 907 on Second Reading

The President Pro Tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 907, A bill to be entitled "An Act creating road law in Blanco County, Texas, providing work on public roads by those liable to such work; providing tax in lieu of such work; providing penalty for failure to pay such tax; providing time of paying such tax and penalty; making failure to work, pay the tax and/or the penalty a misdemeanor; affixing penalties therefor; repealing all laws in conflict to the extent of the conflict only; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 907 on Third Reading

Senator Brownlee moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 907 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Moore
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Graves	Spears
Hardin	Stone
Head	of Galveston
Hill	Stone
Isbell	of Washington
Kelley	Sulak
Lanning	Van Zandt
Lemens	Weinert
Martin	Winfield
Moffett	

Absent—Excused

Metcalf	Nelson
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The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Moore
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Graves	Spears
Hardin	Stone
Head	of Galveston
Hill	Stone
Isbell	of Washington
Kelley	Sulak
Lanning	Van Zandt
Lemens	Weinert
Martin	Winfield
Moffett	

Absent—Excused

Metcalf	Nelson
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House Bill 1021 on Second Reading

The President Pro Tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 1021, A bill to be entitled "An Act making it unlawful to use or possess oyster dredges in or on certain waters of Copano Bay, with exceptions; providing the Game, Fish and Oyster Commission may issue permits to use dredges to improve reefs, and that this Act does not apply to privately owned reefs; providing that United State Geodetic

Maps are admissible in case of prosecution for violation of fish and oyster laws; providing a penalty; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 1021 on Third Reading

Senator Roberts moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1021 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Moore
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Graves	Spears
Hardin	Stone
Head	of Galveston
Hill	Stone
Isbell	of Washington
Kelley	Sulak
Lanning	Van Zandt
Lemens	Weinert
Martin	Winfield
Moffett	

Absent—Excused

Metcalf	Nelson
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The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Moore
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Graves	Spears
Hardin	Stone
Head	of Galveston
Hill	Stone
Isbell	of Washington
Kelley	Sulak
Lanning	Van Zandt
Lemens	Weinert
Martin	Winfield
Moffett	

Absent—Excused

Metcalf Nelson

House Bill 1025 on Second Reading

The President Pro Tempore laid before the Senate on its third reading and passage to third reading:

H. B. No. 1025, A bill to be entitled "An Act permitting the use of a one inch net for taking suckers, carp, buffalo and shad from Bosque River, in Hamilton County; prohibiting the use of any other seine or net except a minnow seine; providing a penalty; repealing all conflicting laws, and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 1025 on Third Reading

Senator Head moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1025 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Moore
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Graves	Spears
Hardin	Stone
Head	of Galveston
Hill	Stone
Isbell	of Washington
Kelley	Sulak
Lanning	Van Zandt
Lemens	Weinert
Martin	Winfield
Moffett	

Absent—Excused

Metcalf Nelson

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time.

Senator Head offered the following amendment to the bill:

Amend H. B. No. 1025 by adding a new section to be known as Section 1-A to read as follows:

"It shall be unlawful to sell or offer for sale or have in possession for the purpose of sale in Hamilton County any minnows taken from the waters of said County."

The amendment was adopted unanimously.

The bill then was passed by the following vote:

Yeas—29

Aikin	Moore
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Graves	Spears
Hardin	Stone
Head	of Galveston
Hill	Stone
Isbell	of Washington
Kelley	Sulak
Lanning	Van Zandt
Lemens	Weinert
Martin	Winfield
Moffett	

Absent—Excused

Metcalf Nelson

House Bill 1060 on Second Reading

The President Pro Tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 1060, A bill to be entitled "An Act fixing and providing for the payment of the salary and traveling and office expenses of the County Superintendent of Public Instruction in counties with a population of not less than thirteen thousand, four hundred and fifty (13,450) nor more than thirteen thousand, six hundred (13,600) and not less than nineteen thousand, nine hundred and fifty (19,950) nor more than twenty thousand, one hundred (20,100), according to the preceding Federal Census; and fixing and providing for payment of compensation of County School Trustees in such counties, and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 1060 on Third Reading

Senator Head moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1060 be

placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Moore
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Graves	Spears
Hardin	Stone
Head	of Galveston
Hill	Stone
Isbell	of Washington
Kelley	Sulak
Lanning	Van Zandt
Lemens	Weinert
Martin	Winfield
Moffett	

Absent—Excused

Metcalfe Nelson

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Moore
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Graves	Spears
Hardin	Stone
Head	of Galveston
Hill	Stone
Isbell	of Washington
Kelley	Sulak
Lanning	Van Zandt
Lemens	Weinert
Martin	Winfield
Moffett	

Absent—Excused

Metcalfe Nelson

House Bill 1071 on Second Reading

The President Pro Tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 1071, A bill to be entitled "An Act amending Article 2351 of the Revised Civil Statutes of 1925 by adding thereto Section 16, pro-

viding that Commissioners' Courts may use county road machinery and funds from the General Fund or Road and Bridge Funds in cleaning streams and in aiding flood control when said Court decides such improvements will be of aid to the county in the maintenance and the building of county roads, and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 1071 on Third Reading

Senator Shivers moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1071 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Moore
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Graves	Spears
Hardin	Stone
Head	of Galveston
Hill	Stone
Isbell	of Washington
Kelley	Sulak
Lanning	Van Zandt
Lemens	Weinert
Martin	Winfield
Moffett	

Absent—Excused

Metcalfe Nelson

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Kelley
Beck	Lanning
Brownlee	Lemens
Burns	Martin
Collie	Moffett
Cotten	Moore
Graves	Pace
Hardin	Redditt
Head	Roberts
Hill	Shivers
Isbell	Small

Spears
Stone
of Galveston
Stone
of Washington

Sulak
Van Zandt
Weinert
Winfield

Absent—Excused

Metcalf Nelson

House Bill 1094 on Second Reading

The President Pro Tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 1094, A bill to be entitled "An Act fixing the salaries of Superintendents of Public Instruction in each county in Texas having a population of not less than twenty-three thousand, six hundred and twenty (23,620) nor more than twenty-three thousand, eight hundred (23,800), according to the last Federal Census or any subsequent Federal Census; providing mode and manner of paying such salaries; repealing all laws and parts of laws in conflict herewith to the extent of such conflict only, and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 1094 on Third Reading

Senator Spears moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1094 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Moore
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Graves	Spears
Hardin	Stone
Head	of Galveston
Hill	Stone
Isbell	of Washington
Kelley	Sulak
Lanning	Van Zandt
Lemens	Weinert
Martin	Winfield
Moffett	

Absent—Excused

Metcalf Nelson

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Moore
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Graves	Spears
Hardin	Stone
Head	of Galveston
Hill	Stone
Isbell	of Washington
Kelley	Sulak
Lanning	Van Zandt
Lemens	Weinert
Martin	Winfield
Moffett	

Absent—Excused

Metcalf Nelson

House Bill 1098 on Second Reading

The President Pro Tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 1098, A bill to be entitled "An Act to prohibit the sale or offering for sale, or the buying of any bass, crappie, perch or catfish or any other fish taken from any river, creek, lake, slough, bayou, tank or pond flowing or situated within the boundaries of DeWitt County; prescribing a penalty, and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 1098 on Third Reading

Senator Roberts moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1098 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Cotten
Beck	Graves
Brownlee	Hardin
Burns	Head
Collie	Hill

Isbell	Small
Kelley	Spears
Lanning	Stone
Lemens	of Galveston
Martin	Stone
Moffett	of Washington
Moore	Sulak
Pace	Van Zandt
Redditt	Weinert
Roberts	Winfield
Shivers	

Absent—Excused

Metcalfe Nelson

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Moore
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Graves	Spears
Hardin	Stone
Head	of Galveston
Hill	Stone
Isbell	of Washington
Kelley	Sulak
Lanning	Van Zandt
Lemens	Weinert
Martin	Winfield
Moffett	

Absent—Excused

Metcalfe Nelson

House Bill 1104 on Second Reading

The President Pro Tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 1104, A bill to be entitled "An Act fixing the compensation for County Commissioners in certain counties; providing the manner of payment and prescribing the funds from which it shall be paid; providing for traveling expenses for County Commissioners in certain counties; providing the manner of payment and prescribing the funds from which they shall be paid; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

The bill was read second time.

Senator Sulak offered the following amendment to the bill:

Amend H. B. No. 1104 by striking out all of Section One (1) after the word "Fund" in line 8 and inserting in lieu thereof the following: "or Road and Bridge Funds of the respective precincts served by said Commissioners."

The amendment was adopted.

The bill was passed to third reading.

House Bill 1104 on Third Reading

Senator Sulak moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1104 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Moore
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Graves	Spears
Hardin	Stone
Head	of Galveston
Hill	Stone
Isbell	of Washington
Kelley	Sulak
Lanning	Van Zandt
Lemens	Weinert
Martin	Winfield
Moffett	

Absent—Excused

Metcalfe Nelson

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage:

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Isbell
Beck	Kelley
Brownlee	Lanning
Burns	Lemens
Collie	Martin
Cotten	Moffett
Graves	Moore
Hardin	Pace
Head	Redditt
Hill	Roberts

Shivers	Stone
Small	of Washington
Spears	Sulak
Stone	Van Zandt
of Galveston	Weinert
	Winfield

Absent—Excused

Metcalf	Nelson
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House Bill 1099 on Second Reading

The President Pro Tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 1099, A bill to be entitled "An Act validating and approving all proceedings had by cities and towns in amending their corporate charters so as to eliminate any requirements in said charter that any portion of the annual ad valorem tax levied in said city or town shall be provided for or set apart for the use of the public free schools in said city or town, provided this Act shall only apply to cities and towns acting under a home rule charter and which charter sought to be amended provides that a portion of the annual ad valorem taxes levied shall be set apart for the use of the public free schools; and further provides that this Act shall not apply to such cities and towns unless such amendment to the charter was voted during the year 1938 and prior to the voting of said amendment the control of the public free schools in such cities and towns had been separated from the jurisdiction of said cities and towns and such public free schools were being operated under the control and jurisdiction of an independent school district, nor shall this Act be effective as to any city or town which did not during the year 1938 and prior to the voting of said charter amendment hold an election at which a majority of the votes cast authorized the issuance by said city or town of bonds to secure funds for making public improvements nor to any city or town in which the assessed value of property for the purposes of taxation as shown by the tax rolls of said city or town for the year 1938 was less than Six Million, Seven Hundred and Eighty Thousand (\$6,780,000) Dollars or more than Six Million, Eight Hundred and Fifty Thousand (\$6,850,000) Dollars, and repealing Senate Bill No. 439, Acts of the Regular Session of the Forty-sixth Legislature; and further

provided this Act shall not apply to any such proceedings the validity of which has been contested or attacked in any pending suit or litigation, and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 1099 on Third Reading

Senator Shivers moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1099 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Moore
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Graves	Spears
Hardin	Stone
Head	of Galveston
Hill	Stone
Isbell	of Washington
Kelley	Sulak
Lanning	Van Zandt
Lemens	Weinert
Martin	Winfield
Moffett	

Absent—Excused

Metcalf	Nelson
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The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Moore
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Graves	Spears
Hardin	Stone
Head	of Galveston
Hill	Stone
Isbell	of Washington
Kelley	Sulak
Lanning	Van Zandt
Lemens	Weinert
Martin	Winfield
Moffett	

Absent—Excused

Metcalf

Nelson

House Bill 1107 on Second Reading

The President Pro Tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 1107, A bill to be entitled "An Act validating, confirming, approving and legalizing all bonds heretofore authorized by the necessary vote of the qualified voters of all cities or towns at an election, or elections held during the year 1938; providing this Act shall only apply to cities and towns acting under a home rule charter and which city or town did not at the time of the holding of said election, or elections, own any of the following utilities from which it could derive revenue: water system, sanitary sewer system, electric light system, or natural gas distribution system; repealing Senate Bill No. 438, Acts of the Regular Session of the Forty-sixth Legislature; and provided this Act shall not apply to any such bond the validity of which has been contested or attacked in any pending suit or litigation, and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 1107 on Third Reading

Senator Shivers moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1107 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Moore
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Graves	Spears
Hardin	Stone
Head	of Galveston
Hill	Stone
Isbell	of Washington
Kelley	Sulak
Lanning	Van Zandt
Lemens	Weinert
Martin	Winfield
Moffett	

Absent—Excused

Metcalf

Nelson

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Moore
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Graves	Spears
Hardin	Stone
Head	of Galveston
Hill	Stone
Isbell	of Washington
Kelley	Sulak
Lanning	Van Zandt
Lemens	Weinert
Martin	Winfield
Moffett	

Absent—Excused

Metcalf

Nelson

House Bill 1108 on Second Reading

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 1108, A bill to be entitled "An Act providing that taxes levied by other entities under and by virtue of Article 3, Section 52, of the Constitution shall never be reckoned in determining the power of any city or town to levy taxes; providing that in the event of conflict between this Act and any provisions of a city charter or of a special law constituting a charter of a city the provisions of this Act shall prevail, and declaring an emergency."

The bill was read second time.

Senator Shivers offered the following amendment to the bill:

Amend H. B. No. 1108 by adding a new section to read as follows:

"Provided, however, that the provisions of this Act shall not in any manner validate any obligations issued by any such city or town, the validity of which obligations is in litigation at the time this Act becomes effective."

The amendment was adopted.

The bill was passed to third reading.

House Bill 1108 on Third Reading

Senator Shivers moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1108 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Moore
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Graves	Spears
Hardin	Stone
Head	of Galveston
Hill	Stone
Isbell	of Washington
Kelley	Sulak
Lanning	Van Zandt
Lemens	Weinert
Martin	Winfield
Moffett	

Absent—Excused

Metcalf Nelson

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Moore
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Graves	Spears
Hardin	Stone
Head	of Galveston
Hill	Stone
Isbell	of Washington
Kelley	Sulak
Lanning	Van Zandt
Lemens	Weinert
Martin	Winfield
Moffett	

Absent—Excused

Metcalf Nelson

House Bill 1118 on Second Reading

The President Pro Tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 1118, A bill to be entitled "An Act to authorize, enable and permit the territory situated within the bounds of the Andrews Independent School District, in the County of Andrews and the State of Texas, and other lands and territory adjacent thereto in Andrews County, to incorporate as an independent district for free school purposes only, to be hereafter known as the Andrews Independent School District, with all the powers, rights, privileges and duties of independent school districts formed by incorporation of territory for free school purposes only; and to provide for an election on the question of divesting the old Andrews Independent School District of control of its public schools and title to school properties, and vesting the same in the new Andrews Independent School District and its Board of Trustees providing for a Board of School Trustees for the control and management of said independent school district; providing that all funds held for public school purposes and to be used in the territory included in the new district shall be turned over to the Trustees of the new district as herein provided may be created; providing that any outstanding bonds or indebtedness of the old district may, upon an election being held in the new district, be paid by a tax duly levied in the new district; providing other incidental provisions, and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 1118 on Third Reading

Senator Spears moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1118 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Collie
Beck	Cotten
Brownlee	Graves
Burns	Hardin

Head	Shivers
Hill	Small
Isbell	Spears
Kelley	Stone
Lanning	of Galveston
Lemens	Stone
Martin	of Washington
Moffett	Sulak
Moore	Van Zandt
Pace	Weinert
Redditt	Winfield
Roberts	

Absent—Excused

Metcalf	Nelson
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—24

Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Graves	Spears
Hardin	Stone
Head	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Moffett	Winfield

Nays—5

Aikin	Moore
Cotten	Small
Hill	

Absent—Excused

Metcalf	Nelson
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House Bill 1101 on Second Reading

The President Pro Tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 1101, A bill to be entitled "An Act to provide for a joint rural school supervisor in Sabine and San Augustine Counties; providing mode and manner of paying such salaries; providing that the counties within the provisions of this Act may join in the hiring and paying of such joint rural school supervisor; providing for appointment of joint rural school supervisor in such counties; providing persons making such appointment; repealing all laws and parts of laws

in conflict herewith, and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 1101 on Third Reading

Senator Spears moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1101 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Moore
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Graves	Spears
Hardin	Stone
Head	of Galveston
Hill	Stone
Isbell	of Washington
Kelley	Sulak
Lanning	Van Zandt
Lemens	Weinert
Martin	Winfield
Moffett	

Absent—Excused

Metcalf	Nelson
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The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Moore
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Graves	Spears
Hardin	Stone
Head	of Galveston
Hill	Stone
Isbell	of Washington
Kelley	Sulak
Lanning	Van Zandt
Lemens	Weinert
Martin	Winfield
Moffett	

Absent—Excused

Metcalf	Nelson
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House Bill 1110 on Second Reading

The President Pro Tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 1110, A bill to be entitled "An Act fixing compensation for justices of the peace and constables in certain counties; providing said compensation may be paid by part fees and part salary; providing mode and manner for payment of this salary; providing for limitations under this Act, and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 1110 on Third Reading

Senator Brownlee moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1110 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Moore
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Graves	Spears
Hardin	Stone
Head	of Galveston
Hill	Stone
Isbell	of Washington
Kelley	Sulak
Lanning	Van Zandt
Lemens	Weinert
Martin	Winfield
Moffett	

Absent—Excused

Metcalf	Nelson
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The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Graves
Beck	Hardin
Brownlee	Head
Burns	Hill
Collie	Isbell
Cotten	Kelley

Lanning	Spears
Lemens	Stone
Martin	of Galveston
Moffett	Stone
Moore	of Washington
Pace	Sulak
Redditt	Van Zandt
Roberts	Weinert
Shivers	Winfield
Small	

Absent—Excused

Metcalf	Nelson
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House Bill 982 on Second Reading

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 982, A bill to be entitled "An Act prescribing the means by which fish may be taken from the waters of Coryell County; prohibiting the sale of catfish taken in that county; repealing all conflicting laws; providing a penalty, and declaring an emergency."

The bill was read second time.

Senator Head offered the following amendment to the bill:

Amend H. B. No. 982 by adding a new section to be known as subsection-A to read as follows:

"Nothing in this Act shall apply to the land owner in the using of nets or seines on his own property."

And amend the caption to conform.

The amendment was adopted.

The bill was passed to third reading.

House Bill 982 on Third Reading

Senator Head moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 982 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Hardin
Beck	Head
Brownlee	Hill
Burns	Isbell
Collie	Kelley
Cotten	Lanning
Graves	Lemens

Martin	Stone
Moffett	of Galveston
Moore	Stone
Pace	of Washington
Redditt	Sulak
Roberts	Van Zandt
Shivers	Weinert
Small	Winfield
Spears	

Absent—Excused

Metcalfe	Nelson
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The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Moore
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Graves	Spears
Hardin	Stone
Head	of Galveston
Hill	Stone
Isbell	of Washington
Kelley	Sulak
Lanning	Van Zandt
Lemens	Weinert
Martin	Winfield
Moffett	

Absent—Excused

Metcalfe	Nelson
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Committee Substitute for House Bill 410 on Second Reading

The President Pro Tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 410, A bill to be entitled "An Act to amend Article 4453, Chapter 10, Title 71 of the Revised Civil Statutes of Texas, 1925, as amended by Section 1 of Chapter 7, Acts of First Called Session, Forty-second Legislature, and Articles 4555, 4556, 4557, 4558, 4559, 4563, 4565, 4565a, 4565b, of Chapter 10, Title 71 of the Revised Civil Statutes of Texas, 1925, and Chapter 5, Title 12 of the Penal Code of Texas, 1925, by adding thereto Article 738a, and Article 737, Chapter 5, Title 12 of the Penal Code of Texas, 1925; so as to provide for a State Board of Examiners in Optometry, qualifications for and method

of filling vacancies of said Board; providing for election of officers and meetings of the Board; prescribing powers and duties of the Board; requiring all persons desiring to practice optometry in Texas to pass examination; providing subjects for and method of giving examinations; providing grounds for refusal of and cancellation of any license; prescribing examination fee; prescribing renewal license fee and method of obtaining duplicate licenses; defining terms, specifying acts constituting penal offenses and providing a penalty; repealing Article 4560, Chapter 10, Title 71, of the Revised Civil Statutes of Texas, 1925, and all laws or parts of laws in conflict with the provisions of this Act; declaring the rule that the remainder of the Act shall not be affected by the unconstitutionality or invalidity of any part thereof, and declaring an emergency."

The bill was read second time.

Senator Pace offered the following (committee) amendment to the bill:

Amend Committee Substitute for H. B. No. 410 by striking out on page four, line four, all of subsection (j) and re-lettering the following subsection; and by striking out on page six, line five, all of subsection (f).

The amendment was adopted.

Senator Burns offered the following amendment to the bill:

Amend H. B. No. 410 by adding a new section reading as follows:

"Provided that it shall not be construed as a violation of this Act for any optometrist to lease space from an establishment on a percentage or gross receipts basis or to sell, transfer or assign accounts receivable."

SPEARS,
BURNS.

The amendment was adopted.

Senator Van Zandt offered the following amendment to the bill:

Amend Committee Substitute for H. B. No. 410, Section 10, Line 6, by striking out the word "ten" and inserting in lieu thereof the word "five".

The amendment was adopted.

Senator Van Zandt offered the following amendments to the bill:

(1)

Amend Committee Substitute for H. B. No. 410, Page 4, Section 9, Line 36, by striking out the words "Fifty Dollars" and inserting in lieu thereof "Twenty-five Dollars".

(2)

Amend Committee Substitute for H. B. No. 410, by adding a new paragraph on Page 4 at the end of Section 8 to read as follows:

"Provided, however, that nothing in this law shall be construed to prevent the administrator or executor of the estate of a deceased optometrist from employing a licensed optometrist to carry on the practice of such deceased during the administration of such estate nor to prevent a licensed optometrist from working for such person during the administration of the estate when the legal representative thereof has been authorized by the County Judge to continue the operation of such practice."

(3)

Amend the caption to conform to the bill as amended.

The amendments were adopted severally.

Question—Shall the bill be passed to third reading?

Adjournment

Senator Head moved that the Senate recess until 10:00 o'clock a. m. tomorrow, and the motion was lost.

After further debate, Senator Head moved that the Senate recess until 10:00 o'clock a. m. tomorrow, and the motion was lost.

After further debate, Senator Pace moved that the Senate adjourn until 10:00 o'clock a. m., Friday, June 9, 1939.

Yeas and nays were demanded, and the motion was lost by the following vote:

Yeas—11

Burns	Small
Cotten	Stone
Moore	of Washington
Pace	Van Zandt
Redditt	Weinert
Roberts	Winfield

Nays—15

Aikin	Kelley
Beck	Lanning
Brownlee	Lemens
Graves	Moffett
Hardin	Shivers
Head	Spears
Hill	Stone
Isbell	of Galveston

Absent

Collie	Sulak
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Absent—Excused

Martin	Nelson
Metcalfe	

After further debate, Senator Winfield moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

Yeas and nays were demanded, and the motion was lost by the following vote:

Yeas—8

Head	Stone
Kelley	of Galveston
Lanning	Stone
Moffett	of Washington
Roberts	Winfield

Nays—17

Aikin	Lemens
Beck	Moore
Brownlee	Pace
Burns	Redditt
Cotten	Shivers
Graves	Spears
Hardin	Van Zandt
Hill	Weinert
Isbell	

Absent

Collie	Sulak
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Absent—Excused

Martin	Nelson
Metcalfe	Small

(Senator Small in the Chair.)

Senator Winfield moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow, and the motion was lost.

After further debate, Senator Spears moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

The motion prevailed; and the Senate, accordingly, at 9:05 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.